



# House of Representatives

-General Assembly

**File No. 177**

February Session, 2016

House Bill No. 5281

*House of Representatives, March 24, 2016*

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING NOTIFICATION TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-291c of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

4 (a) No law enforcement unit, as defined in section 7-294a, shall hire  
5 any person as a police officer, as defined in said section 7-294a, who  
6 was previously employed as a police officer by such unit or in any  
7 other jurisdiction and who (1) was dismissed for malfeasance or other  
8 serious misconduct calling into question such person's fitness to serve  
9 as a police officer; or (2) resigned or retired from such officer's position  
10 while under investigation for such malfeasance or other serious  
11 misconduct.

12 (b) Any law enforcement unit that has knowledge that any former  
13 police officer of such unit who (1) (A) was dismissed for malfeasance

14 or other serious misconduct, or (B) resigned or retired from such  
15 officer's position while under investigation for such malfeasance or  
16 other serious misconduct; and (2) is an applicant for the position of  
17 police officer with any other law enforcement unit, shall inform such  
18 other unit and the Police Officer Standards and Training Council of  
19 such dismissal, resignation or retirement.

20 (c) The provisions of this section shall not apply to any police officer  
21 who is exonerated of each allegation against such officer of such  
22 malfeasance or other serious misconduct.

23 (d) For purposes of this section, (1) "malfeasance" means the  
24 commonly approved usage of "malfeasance"; and (2) "serious  
25 misconduct" means improper or illegal actions taken by a police officer  
26 in connection with such officer's official duties that could result in a  
27 miscarriage of justice or discrimination, including, but not limited to,  
28 (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated  
29 use of excessive force, (D) acceptance of a bribe, or (E) the commission  
30 of fraud.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	7-291c

**PS**            *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which requires law enforcement units under certain conditions to notify the Police Officer Standards and Training Council of the details of any former officer who resigned or retired while under investigation if they are applying for another law enforcement position, has no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****HB 5281*****AN ACT CONCERNING NOTIFICATION TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL.*****SUMMARY:**

This bill requires law enforcement units to inform the Police Officer Standards and Training Council about any former officer who was dismissed, or resigned or retired during an investigation, for malfeasance or serious misconduct calling into question his or her fitness to serve, if they know that the officer is applying for a police job with another law enforcement unit. Existing law already requires them to inform the law enforcement unit to which the person is applying for a job.

For purposes of the law and the bill, (1) "malfeasance" has its common meaning and (2) "serious misconduct" means an officer's improper or illegal actions connected with official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, evidence fabrication, repeated use of excessive force, bribe acceptance, or fraud. The bill does not apply to an officer exonerated of all malfeasance or serious misconduct allegations.

The bill, like existing law, applies to state, municipal, or other government entities whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It also applies to the Mashantucket Pequot and Mohegan tribes' police departments.

EFFECTIVE DATE: October 1, 2016

**BACKGROUND**

The Police Officer Standards and Training Council is responsible for certifying municipal police officers. Certain conduct resulting in separation from a law enforcement agency may require an officer to be decertified by the council (CGS § 7-294d).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea    25    Nay   0    (03/10/2016)